REMARKS

Examiners Williams and Assuard are thanked for the courtesy extended during the Office Interview on July 8, 2009.

The Interview Summary is believed to accurately reflect what was discussed during the Interview.

Reconsideration of the objections to the Title and the Drawings is hereby requested. Replacement Sheets are submitted herewith that include descriptive names associated with the blank boxes. The Title has been replaced. Therefore, reconsideration of these objections is respectfully requested.

Reconsideration of the rejection of Claims 1-3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Eilinger (U.S. Patent Application Publication No. 2003/0089556) in view of Yuasa et al. (U.S. Patent No. 6,495,991), and the rejection of Claim 4 under 35 U.S.C. §103(a) as being unpatentable over Eilinger ('556) in view of Yuasa et al. ('991) and further in view of Ito (U.S. Patent No. 5,886,527), is hereby requested.

The present application is concerned with the operation of an actuator and controlling the level of current provided to the capacitive storage device which provides emergency power to a motor of the actuator in the event of a power failure.

Claim 1 of the present application has been amended to clarify that the charge converter is converting a measured ambient temperature into a control signal to control the level of current provided to the capacitive energy storage device as a function of the measured ambient temperature.

Eilinger '556 discloses a safety device for an elevator. Under an AC power failure, supercapacitors provide energy to a motor to move the elevator to the next floor. When AC power is restored, the supercapacitors are recharged via the AC power source. There is no teaching, suggestion or reason to modify the control of the charging mechanism for the supercapacitors of Eilinger '556.

Yuasa et al. '991 discloses a charge control apparatus for controlling a charge of a battery based upon refrigerant, battery and ambient temperatures. Thus, Yuasa et al '991 is concerned with determining the charge capacity of the battery pack so that the battery pack is charged in accordance with its capacity.

As discussed at the Interview, Applicants submit that the combination of Eilinger '556 and Yuasa et al. '991 does not disclose every element of Claim 1, particularly "a charge converter configured to convert the measured ambient temperature into a control signal to control a level of current provided to the capacitive energy storage device as a function of the measured ambient temperature" (emphasis added). Applicants further submit that Yuasa et al. '991 does not disclose "a temperature sensor assigned to the control unit to measure an ambient temperature" (emphasis added).

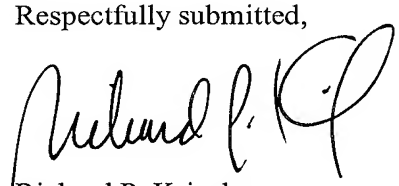
In contrast, Applicants submit that Yuasa et al. '991 fails to disclose, teach or suggest what the output is of the charging device 11. Moreover, the temperature sensor of Yuasa et al. '991 for measuring ambient temperature is assigned or located at the battery pack and not at the control unit, as stated in Applicants' Claim 1.

Therefore, Applicants assert that neither Eilinger '556 nor Yuasa et al. '991, individually or in combination, discloses all the elements of Applicants' Claim 1. In addition, Applicants further assert that even if Yuasa et al. '991 were to be misinterpreted as including the missing (underlined above) elements of Claim 1, there is absolutely no suggestion, teaching, motivation or reason to combine the Eilinger '556 and Yuasa et al. '991 references. The supercapacitors of Eilinger '556 are recharged by the AC power source when power is restored and no reason has been proffered in the Office Action for reconstructing the device of Eilinger '556 to include a control mechanism that includes a charge converter that converts a measured ambient temperature into a control signal to provide a level of current to the supercapacitors. That would be an improper hindsight reconstruction.

In view of the above, Claims 1-5 and the application are considered to be in condition for allowance and such is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 02-1010 (41781/44564).

Respectfully submitted,



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Enclosures
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